

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:11-cv-8-RJC**

ROBERT WOODWARD,)
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Plaintiff,)
)
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v.)
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)
TIM L. DAUGHERTY, et al.,)
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)
Defendants.)
)

THIS MATTER comes before the Court on Defendants' joint Motion for Protective Order, (Doc. No. 44), and Plaintiff's Motion to Reinstate Southern Health Partners, (Doc. No. 80).

As to the Motion for Protective Order, Defendants show that Plaintiff requested discovery before discovery was opened and while an issue of qualified immunity was pending. Inasmuch as discovery was not open when Plaintiff served such requests, and in light of Defendants' invocation of qualified immunity, the requested protective order will be entered, see Mitchell v. Forsyth, 472 U.S. 511, 526 (1985).

As to Plaintiff's Motion to Reinstate Southern Health Partners, Plaintiff has shown no legal reason for this Court to reconsider its prior Order, (Doc. No. 6), dismissing such defendant. Indeed, Plaintiff has already challenged such earlier decision in a Motion to Reconsider. In his pending motion for reinstatement, Plaintiff again disagrees with the Court's conclusion regarding the dismissal of Southern Health Partners and essentially argues that the Court was wrong in its conclusion. Thus, although the current motion is styled as a motion for reinstatement, it is in substance a second motion to reconsider. A motion to reconsider is inappropriate where, as here, it merely seeks "to re-debate the merits of a particular motion." In re Vioxx Prods. Liab. Litig., 230 F.R.D. 473, 475 (E.D. La. 2005). Plaintiff's motion for reinstatement will be denied.

IT IS, THEREFORE, ORDERED that:

1. Defendants' joint Motion for Protective Order, (Doc. No. 44), is **ALLOWED**, and a Protective Order is entered providing that Defendants need not respond to Plaintiff's discovery requests unless and until discovery is opened by the Court, at which time Defendants shall have 30 days to so answer or otherwise respond; and
2. Plaintiff's Motion to Reinstate Southern Health Partners, (Doc. No. 80), is **DENIED**.

Signed: February 29, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

